



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
ENVIRONMENTAL
CLEANUP

June 23, 2014

Ms. Amy Essig Desai
Farallon Consulting, LLC
975 5th Avenue Northwest
Issaquah, WA 98027

Mr. Gil Leon
Earle M. Jorgensen Company
10650 South Alameda
Lynwood, California 90262

Re: Jorgensen Forge Early Action Area Removal Action;
EPA Approval of the Removal Action Work Plan, May 2014;
Administrative Settlement Agreement and Order on Consent for Removal Action
Implementation, EPA Docket No. CERCLA 10-2013-0032

Dear Ms. Essig Desai and Mr. Leon:

On May 30, 2014, the EPA received the revised Removal Action Work Plan (RAWP) for the Jorgensen Forge Early Action Area from Anchor QEA on behalf of Earle M. Jorgensen Company (EMJ). On June 6, 2014, Farallon Consulting submitted a revised Organization Chart for the Construction Management (*Figure 3. Project Team Organization Chart*) for the RAWP. On June 18, 2014, Anchor QEA, on behalf of EMJ, submitted minor changes to portions of Section 3 and Figure 3 (*Project Team Organization Chart*) to provide additional detail regarding the EMJ construction management team and responsibilities. The submittal also included a revised Contractor Health and Safety Plan for Pacific Pile and Marine (Appendix A-2 of the RAWP). EPA has completed its review of all of the revised documents and approves your RAWP, subject to the modifications included below in this approval letter.

EPA appreciates the dialogue with you and your consultants as we reviewed the RAWP revisions. Based on those conversations, EPA provides the following modifications to the revised and approved RAWP:

- **Bank and in-water dredge work will only occur during daylight hours.** The revised RAWP intends, and only provides for, bank work and in-water dredging to occur during daylight hours. The revised RAWP notes that, in the event the project is falling behind schedule, EMJ's contractor may request to perform bank or in-water removal at night. Because the revised RAWP does not include any measures or details for night removal work, prior to such work, EPA must be provided, for review and approval, a plan detailing the necessary components to provide for night work (e.g. Health and Safety concerns, lighting, noise control, oversight). EMJ must obtain approval from EPA prior to any active removal work occurring outside of daylight hours.

- **All water collected at the Pacific Pile and Marine Transloading Facility will be treated and disposed of off-site.** Any water collected at the Pacific Pile and Marine Transloading Facility will be not be treated or discharged on-site. Instead, the water will be collected and shipped to US Ecology Part-B Permitted Treatment Storage and Disposal Facility in Grandview, Idaho. There the water will be treated and appropriately disposed.
- **Dredged sediment barges will sit overnight within the Removal Action Boundary to maximize passive deawatering.** In order to maximize passive dewatering of the dredged sediments, sediment barges will sit overnight in Jorgensen Forge's Removal Action Boundary (RAB). Prior to transport to the transloading facility, the barge will be visually inspected for standing water and actively pump any pooled water to the water quality treatment system within the RAB. Once the barge arrives at the transloading facility, the barge will again be visually inspected for any pooled water and pump any excess water to the barge's water holding area. Pacific Pile and Marine will then perform a paint filter test on the materials in the barge to determine whether the materials are suitable for transloading into trucks for offsite transport. If the sediments do not pass the paint filter test, Pacific Pile and Marine will add diatomaceous earth to the sediments within the barge. By submitting a request to EPA, Pacific Pile and Marine may seek to reduce the amount of time that passive dewatering is occurring if the work schedule is falling behind. Any deviation to the sediment dewatering and treatment plan must be approved in advance by EPA.
- **Water quality monitoring requirements triggered at Pacific Pile and Marine:** An environmental release in to the LDW at the Pacific Pile and Marine facility will trigger Tier 1 or Tier 2 water quality monitoring requirements, via EPA's CWA § 401 Memorandum. Under this scenario, determination of the appropriate water quality monitoring will be made in consultation with EPA.
- **July 10th site inspection of the Pacific Pile and Marine Transloading Facility Prior to start of any transloading associated with the Removal Action:** EPA will perform an inspection of the transloading facility, after the facility has been completely set up for the purposes of the Removal Action, to ensure that all measures are in place to prevent environmental releases occurring during transloading. The current date for this inspection is July 10, 2014.
- **Chemistry for the backfill will be provided to and approved by EPA prior to placement of any backfill materials.** EMJ's contractor is obtaining the chemistry data of the clean backfill material being used at the Site, which will be provided to EPA. The backfill material must meet the required backfill levels for final action requirements identified in the Action Memorandum, Appendix C of the Settlement Agreement, also identified in Table 5 of the Removal Design (Basis of Design Report). As stated in an email to Amy Essig Desai on June 16, 2014, EPA requires separate chemistry samples for each backfill material used in the Removal Action.
- **EPA is revising the first authorized day of dredging to July 21, 2014.** EPA authorized EMJ to initiate its in-water dredging on July 20, 2014 after conversations with the Muckleshoot Tribe, the National Marine Fishery Services, and the U.S. Fish and Wildlife Services regarding impact to fish and wildlife species. July 20, 2014 falls on a Sunday. To accommodate EPA's

oversight responsibilities, EPA is requiring that the first day of dredge start on Monday, July 21, 2014.

There are two outstanding monitoring requirements identified under the Settlement Agreement that still need to be addressed as part of the Removal Action. While EPA is allowing the Removal Action to commence for the purposes of the bank and sediment removal work, the EPA is continuing to require that EMJ submit monitoring plans to EPA for the following outstanding monitoring requirements:

- **Stormwater Monitoring:** EPA's Action Memorandum, Appendix C to the Settlement Agreement, requires stormwater monitoring to ensure any water released to the LDW will not result in a recontamination of sediments or harmful exposure to benthic organisms. The Statement of Work, Appendix A to the Settlement Agreement, requires that the Water Quality Monitoring Plan (WQMP) be submitted to EPA which includes the monitoring of stormwater to confirm compliance with the federal and state surface Water Quality Standards. The stormwater monitoring work associated with the WQMP that has yet to be submitted to EPA must identify field sampling procedures, data quality objectives, test and analyses and a schedule of monitoring tasks. The proposed stormwater monitoring work associated with the WQMP must also include a basis of the proposed plan as it relates to the overall objective of meeting the federal and state Water Quality Standards and state Sediment Management Standards ARARs.
- **Groundwater Monitoring:** EPA's Action Memorandum (AM), Appendix C to the Settlement Agreement, requires groundwater monitoring be conducted as part of the Removal Action. Through an oversight, the SOW did not identify this requirement. Nonetheless, groundwater and groundwater monitoring are identified throughout the AM as a part of this Removal Action. The AM characterizes groundwater as a potential source to the surface water. In order to address this source, the AM includes a Removal Action Objective specific to groundwater protection: "[r]educe migration of contaminants in groundwater to sediment to reduce risk to human health and the environment." The AM action description includes "long-term sediment and groundwater monitoring to determine that the removal objectives are achieved." EPA continues to maintain that the Removal Action, defined in the AM, included long-term groundwater monitoring requirements.

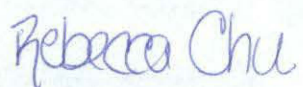
EMJ must address this requirement of the Settlement Agreement. EMJ's groundwater monitoring proposal must address the mechanism by which the RAO specific to groundwater will be assessed and demonstrated.

EPA requests that the draft proposed WQMP, to include the associated stormwater monitoring work, be provided to EPA, for review and approval, within 30 days of the date of this letter. As this submission was required by the Settlement Agreement and SOW to be provided to EPA more than one year ago, EPA is not agreeing to an extension of this requirement, but rather is suggesting a path forward which will advance performance of the required work. EPA also requests that EMJ provide a draft proposal regarding groundwater monitoring to EPA, for review and approval, within 30 days of the date of this letter. By so doing, EMJ will confirm our mutual understanding that the AM set forth

groundwater monitoring as a component of the Removal Action and that this aspect of the AM is an obligation under the Settlement Agreement.

Please contact me with any questions.

Sincerely,



Rebecca Chu
Remedial Project Manager

cc: Miles Dyer, Jorgensen Forge Corporation
Ryan Barth, Anchor QEA
Maureen Sanchez, Washington State Department of Ecology
Glen St. Amant, Muckleshoot Tribe
Alison O'Sullivan, Suquamish Tribe
James Rasmussen, DRCC/TAG
Jessica Winter, NOAA